

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

ALEXANDRA GUILLOU,

Plaintiff,

Case No.: CIV-17-988-HE

V.

BOARD OF REGENTS FOR THE  
OKLAHOMA AGRICULTURAL AND  
MECHANICAL COLLEGES; STATE OF  
OKLAHOMA ex rel. OKLAHOMA  
STATE UNIVERSITY; and ST.  
MATTHEWS UNIVERSITY,

Defendants.

**DEFENDANTS' MOTION REQUESTING LEAVE**  
**OF THE COURT TO FILE AN AMENDED ANSWER**

COME NOW, the Defendants, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges and State of Oklahoma ex rel. Oklahoma State University (“Defendants”) and respectfully request leave of the Court to file an Amended Answer, pursuant to Fed. R. Civ. P. 15 (a) (2).

### Procedural History

Plaintiff filed the initial Complaint in this matter on September 13, 2017, and subsequently filed an Amended Complaint on March 15, 2018, in response to the Court's ruling regarding the Motions to Dismiss filed in the case. Defendants filed an Answer to the Amended Complaint on March 29, 2018. A Joint Status Conference was held on May 4, 2018, at which Defendants announced their intention to file this Motion.

**Argument and Authority**

Defendants seek leave of the Court to file an Amended Answer as a result of acquiring new information, which was produced to Defendants by Plaintiff in conjunction with her Rule 26 disclosures. Defendants believe this information provides the basis for additional affirmative defenses that were not raised in Defendants' Answer. Therefore, Defendants seek to amend the Answer in order to include these affirmative defenses.

The Federal Rules of Civil Procedure indicate that prior to trial "a party may amend its pleading only with the opposing party's written consent or the court's leave. *The court should freely give leave when justice so requires.*" Fed. R. Civ. P. 15 (a) (2) (emphasis added). As mentioned above, Defendants addressed the impact of the newly acquired information and their intention to file this motion at the recent Joint Status Conference. No party raised any objection at that time. Subsequently, all parties have been contacted by Defendants, prior to the filing of this Motion, and no party has expressed an objection or intent to object to Defendants' request to amend their Answer.

This Motion is timely, as the information which serves as the basis of this Motion was only recently acquired by Defendants when information was exchanged pursuant to Rule 26. Discovery in the case has just begun, and there are no impending deadlines (the closest being Plaintiff's deadline to file a final list of expert witnesses in chief by December 15, 2018). Consequently, Defendants' request will not cause any undue delay, nor does its allowance present any undue prejudice to an opposing party. Therefore, as Defendants' request is timely, would not result in prejudice to any party and no objection to its allowance has been raised, Defendants respectfully

request leave of the Court to file an Amended Answer in this case. A copy of the proposed Amended Answer is attached hereto as "Exhibit A".

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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/s/ Clinton W. Pratt  
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